

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00018-MR-WCM**

**NTE ENERGY SERVICES COMPANY,)
LLC,)**

Plaintiff,)

vs.)

ORDER

**CEI KINGS MOUNTAIN HOLDINGS,)
LLC, WATTAGE FINANCE-NC, LLC,)
and CASTILLO INVESTMENT)
HOLDINGS, LLC,)**

Defendants.)

THIS MATTER is before the Court on the parties' Motions to Seal [Docs. 16, 21, 27, 35].

The parties move to seal certain exhibits and portions of their briefs filed with respect to Defendants CEI Kings Mountain Holdings, LLC and Wattage Finance-NC, LLC's Motion to Dismiss the Complaint or, in the Alternative, Stay the Action and Request for Expedited Consideration.

The press and the public have, under both the First Amendment and the common law, a qualified right of access to judicial documents and records filed in civil and criminal proceedings. Doe v. Public Citizen, 749 F.3d 246, 265 (4th Cir. 2014). "The common-law presumptive right of access

extends to all judicial documents and records, and the presumption can be rebutted only by showing that ‘countervailing interests heavily outweigh the public interests in access.’” Id. at 265-66 (quoting in part Rushford v. New Yorker Magazine, Inc., 846 F.2d 249, 253 (4th Cir. 1988)). The First Amendment right of access “may be restricted only if closure is ‘necessitated by a compelling government interest’ and the denial of access is ‘narrowly tailored to serve that interest.’” Id. at 266 (quoting in part In re Wash. Post Co., 807 F.2d 383, 390 (4th Cir. 1986)).

When presented with a motion to seal, the law of this Circuit requires this Court to: “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000).

In the present case, the public has been provided with adequate notice and an opportunity to object to the parties’ motions. The parties filed their motions on January 24, February 7, February 8, and February 14, 2019, respectively, and such motions have been accessible to the public through the Court’s electronic case filing system since that time. Further, the parties

have demonstrated that the documents at issue contain confidential and sensitive business information and that the public's right of access to such information is substantially outweighed by the compelling interest in protecting the details of such information from public disclosure. Finally, having considered less drastic alternatives to sealing the documents, the Court concludes that sealing of these documents is narrowly tailored to serve the interest of protecting the confidential and sensitive nature of these documents.

IT IS THEREFORE ORDERED that the parties' Motions to Seal [Docs. 16, 21, 27, 35] are **GRANTED**, and the following documents and materials shall be filed under seal until further Order of this Court:

(1) The redacted portions of the Defendants CEI Kings Mountain Holdings, LLC and Wattage Finance-NC, LLC's Memorandum of Law in Support of Their Motion to Dismiss the Complaint or, in the Alternative, Stay the Action and Request for Expedited Consideration, as well as Exhibits 1-4 attached thereto [Docs. 19, 19-1, 19-2, 19-3, 19-4];

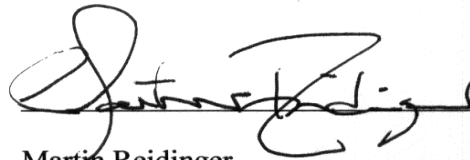
(2) Exhibits 1, 2, and 3 filed in support of the Plaintiff's Opposition to the Motion Dismiss [Docs. 22, 22-1, 22-2];

(3) The redacted portions of Defendant Castillo Investment Holdings, LLC's Memorandum of Law in Support of Its Motion Joining Motion to Stay the Action, and for Relief from Restraining Order [Doc. 29]; and

(4) The redacted portions of the Defendants CEI Kings Mountain Holdings, LLC and Wattage Finance-NC, LLC's Reply in Support of Their Motion to Dismiss the Complaint or, in the Alternative, Stay the Action and Request for Expedited Consideration [Doc. 36].

IT IS SO ORDERED.

Signed: February 18, 2019


Martin Reidinger
United States District Judge

